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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

CHASOM BROWN, *et al.*, individually and on behalf of themselves and all others similarly situated,
 	
            Plaintiffs,
 	
      v.
 	
GOOGLE LLC,
 	
            Defendant.
	Case No. 4:20-cv-03664-YGR-SVK
	
	DECLARATION OF TRACY GAO IN SUPPORT OF GOOGLE LLC'S ADMINISTRATIVE MOTION TO SEAL PORTIONS OF GOOGLE'S OPPOSITION TO PLAINTIFFS' MOTION TO EXCLUDE PORTIONS OF THE REBUTTAL REPORT OF KONSTANTINOS PSOUNIS (DKT. 703)
	
	Judge: Hon. Yvonne Gonzalez Rogers

1   I, Tracy Gao, declare as follows:

2   1.   I am a member of the bar of the State of California and an attorney for Quinn

3 Emanuel Urquhart & Sullivan, LLP, which serves as Google's outside counsel in this litigation. I

4 make this declaration of my own personal, firsthand knowledge, and if called and sworn as a witness,

5 I could and would testify competently thereto.

6   2.   Pursuant to Civil Local Rule 79-5, I submit this declaration in support of Google

7 LLC's Administrative Motion to Seal Portions of Google's Opposition to Plaintiffs' Motion to

8 Exclude Portions of the Rebuttal Report of Konstantinos Psounis (Dkt. 703) ("Google's

9 Opposition"). In making this request, Google has carefully considered the relevant legal standard

10 and policy considerations outlined in Civil Local Rule 79-5. Google makes this request with the

11 good faith belief that the information sought to be sealed consists of Google's confidential and

12 proprietary information and that public disclosure could cause competitive harm.

13   3.   The information requested to be sealed contains Google's confidential and

14 proprietary information regarding highly sensitive features of Google's internal systems and

15 operations, including details regarding Google's internal projects, data sources, and their proprietary

16 functionalities, as well as internal metrics, that Google maintains as confidential in the ordinary

17 course of its business and is not generally known to the public or Google's competitors.

18   4.   Such confidential and proprietary information reveals Google's internal strategies,

19 system designs, and business practices for operating and maintaining many of its important services,

20 and falls within the protected scope of the Protective Order entered in this action. *See* Dkt. 81 at 2-

21 3.

22   5.   Public disclosure of such confidential and proprietary information could affect

23 Google's competitive standing as competitors may alter their data logging system designs and

24 practices relating to competing products. It may also place Google at an increased risk of cyber

25 security threats, as third parties may seek to use the information to compromise Google's data

26 logging infrastructure.

27   6.   I have reviewed the documents that Plaintiffs seek to file under seal pursuant to Civil

28 Local Rule 79-5(f). Based on my review, there is good cause to seal the following information:

Document(s) to be Sealed	Basis for Sealing
Google's Opposition to Plaintiffs' Motion to Exclude Portions of the Rebuttal Report of Konstantinos Psounis (Dkt. 703) at: 1:25, 2:17-18, 4:3, 5:14, 6:9, 9:4, 9:28, 13:9, 13:12	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including details concerning internal data sources and their proprietary functionalities, as well as internal metrics, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. *See* Dkt. 81 at 2–3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit 1 to Ansorge Declaration (Excerpts of 7/21/22 Hochman Deposition) at: 474:11-14, 474:16, 474:18, 474:22, 475:6	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including details concerning internal projects and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. *See* Dkt. 81 at 2–3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit 2 to Ansorge Declaration (Excerpts of 4/29/21 Hearing Transcript) at: 9:22	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including details concerning internal logging infrastructure, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies,

GAO DECLARATION ISO ADMINISTRATIVE MOTION TO SEAL

	system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. *See* Dkt. 81 at 2–3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.
Exhibit 3 to Ansorge Declaration (Excerpts of 7/20/22 Hochman Deposition) at: 92:11-12, 93:7, 93:9, 116:10	The information requested to be sealed contains Google's highly confidential and proprietary information regarding highly sensitive features of Google's internal systems and operations, including details concerning internal projects and their proprietary functionalities, that Google maintains as confidential in the ordinary course of its business and is not generally known to the public or Google's competitors. Such confidential and proprietary information reveals Google's internal strategies, system designs, and business practices for operating and maintaining many of its important services, and falls within the protected scope of the Protective Order entered in this action. *See* Dkt. 81 at 2–3. Public disclosure of such confidential and proprietary information could affect Google's competitive standing as competitors may alter their systems and practices relating to competing products. It may also place Google at an increased risk of cybersecurity threats, as third parties may seek to use the information to compromise Google's internal practices relating to competing products.

7.   Google's request is narrowly tailored in order to protect its confidential information. These redactions are limited in scope and volume. Because the proposed redactions are narrowly tailored and limited to portions containing Google's highly-confidential or confidential information, Google requests that the portions of the aforementioned documents be redacted from any public version of those documents.

8.   Google does not seek to redact or file under seal any of the remaining portions of documents not indicated in the table above.

9.   For these reasons, Google respectfully requests that the Court order Google's Opposition to be filed under seal.

GAO DECLARATION ISO ADMINISTRATIVE MOTION TO SEAL

1   I declare under penalty of perjury of the laws of the United States that the foregoing is

2 true and correct. Executed in the District of Columbia on September 14, 2022.

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5   By _____/s/ *Tracy Gao*_____
                                               Xi ("Tracy") Gao
6   *Attorney for Defendant*

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